

**Agenda Item:** 1  
**Meeting Date:** August 2, 2017

## **STAFF REPORT**

**TO:** PLANNING BOARD  
**FROM:** Lisa Bourbonnais, Planning Director  
**RE:** Master Plan Review of a Comprehensive Permit Application at  
62 South Pierce Road

**Applicant:** Philip Ryan Homes, LTD  
**Owner:** Donald McKenna

**Requested Action:** Master Plan Public Informational Meeting and review of a 16-unit major land development known as Coggeshall Preserve. Project is proceeding as a comprehensive permit because at least 25% (4) of all new residential units will meet the State's definition of "affordable." Demolition of a historic structure is part of the proposal but the local HDC does not have purview on a Comprehensive Permit.

**Location:** 62 South Pierce Road; Map 54, Plat 11, Lot 66

**Parcel Size and Frontage:** The property is roughly 5.4 acres and an existing deteriorated house occupies the site. The house is accessed via 246 feet of frontage on South Pierce Road. An additional 423 feet of frontage exists on Cora Street. Additional access exists via the Violet Court dead-end off Taylor Circle.

**Existing Land Use:** The subject property contains an historic single family home.

**Surrounding Land Use:** Surrounding properties are residential at moderate density and consist generally of modest homes on 10,000 square foot lots.

**Existing/Surrounding Zoning:** Properties on both sides of Cora Street and Taylor Circle are zoned R-10, Residential as are properties across South

Pierce Road from the subject site. The subject property, however, is zoned R-30.

**Comprehensive Plan Consistency:** The area is shown for moderate density residential development which is defined as one unit for every 10,000 – 40,000 square feet of land area.

**Applicable Regulations:** Within the Zoning Code, Chapter XVII (Section 260-99) addresses Affordable Housing and Chapter 63 of the Town Code deals specifically with Comprehensive Permits. Regarding the major land development itself, Section 8 of the Subdivision Regulations, “General Provisions” applicable to all developments would obviously apply along with Section 15 regarding the review stages for major projects. Section 17 of the Regulations deals with the Master Plan level of review for major projects and Section 23 (b)(3) c3 is also relevant. This section requires that flood hazard areas remain undeveloped open space. The following is extrapolated from the section titled “General Provisions; Physical Design Requirements:”

**23 (b)(3)**

Subdivision design standards.

**(a)** The development design shall be compatible with the East Greenwich Comprehensive Community Plan and state guide plan and comprehensive plans for adjacent communities.

**(b)** Development of the site shall be based on the characteristics of the site and upon the site capacity analysis. Development shall be located to preserve and enhance outstanding natural features of the site, to avoid and buffer sensitive environmental areas, and to minimize negative impacts and/or alteration of natural, historic and cultural resources. Subdivision design should also preserve, to the maximum extent feasible, scenic values, viewsheds and scenic roadways.

**(c)** To the greatest extent practical, plans should be consistent with the reasonable utilization of land. The below-listed land forms and environmental features shall remain in an undeveloped or open space status:

**[1]** Land under water;

- [2] Unique and/or fragile areas, including freshwater wetlands and coastal wetlands as defined in Title 2, Chapter 1 of the General Laws of Rhode Island;
- [3] Lands in the floodplain or flood hazard areas as defined by the Federal Emergency Management Agency (FEMA) and Rhode Island Department of Environmental Management (RIDEM);
- [4] Steep slopes in excess of 15% as measured over a ten-foot interval;
- [5] Habitats of endangered wildlife, as defined by Rhode Island Department of Environmental Management or Federal Agencies;
- [6] Historically significant structures and sites, as listed on federal or state or East Greenwich inventory of historic places;
- [7] Significant archaeological sites as identified by the State Archeologist; and
- [8] Significant trees or stands of trees or rare vegetative species.

(d) The development shall be designed in a manner to avoid adverse water impacts, especially in terms of protecting the Hunt River Aquifer drainage basin, wellhead and aquifer recharge area; to minimize cut and fill; to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage and utilities on neighboring properties.

**Required Relief/Waivers:** In light of the above extrapolated regulation language, the project would seem to need relief from the provision that precludes development on a significant portion of the site. Section 23 (b)(3) c3 requires that much of site be restricted to open space use. The local regulations call for all lands designated as floodplain or other flood hazard area to remain in an open space or undeveloped state. The proposed site plan shows not only a number of residential units within the mapped floodplain but construction of storm-water infrastructure is proposed therein too.

While RI DEM regulations provide for engineering a compensation solution to the floodplain displacement, the Town's land development regulations

clearly provide for dis-allowing such new construction in the floodplain. The applicants have indicated that they are seeking a floodplain map amendment from FEMA but we do not yet know the result of that petition. The Public Works Department is concerned about soil suitability here and also about the proposal to site storm-water retention structures within a flood zone which is atypical in East Greenwich. Staff would suggest that if the developer does not succeed in gaining the map amendment, he should be prepared to reduce the unit count here and to re-locate all drainage and storm water management structures, areas and improvements outside the floodplain. Granting this waiver is not recommended at this time.

The site is 5.4 acres in size but about half an acre is wetland. The maximum number of units this site could yield under current zoning is 7. If a 25% density bonus is applied in exchange for affordable unit provision (rounding up for maximum leeway), an additional two units are possible, bringing the total potential unit count to 9. The proposal of 16 units is almost twice this allowance so relief is needed. A comprehensive list of waivers and variances is required but it appears that such formal list cannot be finalized until issues like the FEMA map amendment are addressed as those variables have the potential to affect dwelling unit count, unit location, and the location of other improvements.

**Discussion/Recommendations:** There are environmental issues at the site which go back more than 10 years. Property owners were cited in June, 2000 by RIDEM for wetlands violations which appear to never have been mitigated or resolved. While this is not a local relief or waiver issue, it is something that will add to the applicant's bureaucratic burden with State agencies. The violations relate to clearing, filling and otherwise disturbing on-site wetlands and floodplain. Owners were ordered to cease unauthorized dumping and cutting/vegetation removal and to restore certain areas. Since some of these issues remain outstanding, the applicant has proposed to address them as part of his application to DEM for the project now under review. A formal DEM approval of all proposed new work and remediation will need to be secured prior to the Preliminary Plan level of local review.

The petition before the board is a Master Plan which means not all formal or detailed engineering has been done yet. Staff continues to support

redevelopment of the subject site which currently contains a derelict historic structure and also conceptually supports the addition of affordable housing units in this neighborhood. That being said, we still have a number of concerns about the project. Chief among these is the historic status of the property which affects not only the design approach to physical construction on site and the somewhat contentious issue of historic home removal, but which also has implications for actual zoning and density.

The history of the subject property was discussed in detail at the Pre-application meeting back in April. That discussion caused the applicant to abandon plans to obliterate the historical house on site and instead, dismantle it and re-use as much of the original material as possible in re-construction. While the Planning Board has the full authority to act on a Comprehensive Permit without the applicant filing a separate Historic District Commission petition, the Planning Board can ask the HDC for an advisory opinion regarding the proposed plan. Staff recommends that such referral take place and that the HDC report their findings and recommendations to back prior to any Planning Board decision being rendered.

In addition, the abutters and other residents of the surrounding neighborhood here have been very vocal about the project already. They will likely play a large role in the public hearing process but staff would assert ahead of time that their primary concerns will likely revolve around traffic and also drainage as the site is characterized by wetlands and floodplain. Residents along Cora Street and those near the intersection with South Pierce seem to emphasize pedestrian safety as there have been incidents over the years involving people (including children) walking in the street where there are no sidewalks and trying to cross at the intersection where site distances don't feel adequate. While the traffic study has been on file and available for review, several residents emphasized the need for the Planning Board to do a site walk and see for themselves how the roadway and the intersection function and perform.

Residents at the other end of the project site – at Violet Court and Taylor Circle – seem equally concerned about the floodplain and how the site will drain and accommodate storm-water. Those residents have also verbalized a

desire for a site walk with the Board to indicate areas of past concern regarding standing water and over-topping of the wetland edges. Some neighbors have long tenures in the area and have made observations over the years that they would like to share as they feel their experience will help the Board understand the performance of the site and any impacts on the ground for them going forward. While meaningful engineering regarding these issues is yet to be finalized and will be forthcoming at the next level of review, staff agrees with the residents that getting a good understanding of this site sooner rather than later is desirable.

While staff appreciates the desire to inject new investment into this deteriorating property and is enthusiastic about the potential addition of affordable units to the Town's inventory, there are concerns about the unit count and density here. A traffic study has been performed and, as noted elsewhere, the neighborhood is as worried about pedestrian safety as vehicular safety and efficiency here. The applicant has verbally acknowledged the need for sidewalks and is aware that sidewalk installation along the property's frontage will be required. The Town will need to consider larger-scale, off-site improvements as well though and may negotiate those installations with this developer as a condition of approval. Proposed sidewalks, especially along Cora Street, will need to connect to something that doesn't currently exist and the crosswalk at Cora and South Pierce seems to also warrant some attention

Staff is also concerned about the fiscal impact analysis submitted as part of the application package. We would note that the developer's study uses multipliers that are common to 2-bedroom condo style development in Town and in nearby communities. The analysis would seem to yield the projection of a very small number of school age children being generated by this project. The comparables used to make this determination, however, are – to a large extent – age-restricted developments where householders are age 55 and over which may not depict a true representation of the families that might be drawn to the proposed units since they will not be age-restricted. Staff would prefer to see only truly comparable developments utilized in the methodology meaning that school impacts should be assessed based on non-age restricted condo developments only. The Planning Board may opt to require revisions to any or all applicant-submitted studies and reports and should bear in mind

that it also has the ability to require a peer review by an outside party to provide expert testimony about the methodologies and findings contained in those reports.

Staff would note that the plans are still in their early stages and much of the engineering and design work is yet to be done. Additionally, staff expects a lot of public participation in this process given the number of abutters who have already visited the Planning Department to review plans and comment. In light of this and in addition to the stated concerns pertaining to traffic, circulation and access as well as the unique historical, environmental and zoning considerations, the Board may not find itself in a position to render a decision about the subject plan at the end of a single meeting. Staff has not yet drafted a motion regarding the proposal as we feel strongly that the Board should seek the wise expert counsel of the historic district commission about the proposed approach to replication and new construction here and should also gather for a public site walk wherein neighbors might have the opportunity to highlight their concerns in context. Our process recommendation is thus that the Board should: conduct the public informational meeting as required with full presentations by the applicant team, thorough vetting and questioning by Board members, followed by public comment which could be substantial. The next step would be to refer the application to the HDC for an advisory opinion (no actual approval authority) and also schedule a site visit at a time when the maximum number of board members and neighbors can be present. Following these interim steps, the Planning Board would take up the continuance of their meeting and docket the matter for a Master Plan Decision. According to state law established deadlines for action on completed master plan applications, a decision does not have to be reached by the Planning Board until October which would seem to be plenty of time to conduct this exhaustive review and render an appropriate decision.